

FINAL BILL REPORT

ESB 5915

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Synopsis as Enacted

Brief Description: Authorizing emergency rule making when necessary to implement budget appropriations and reductions.

Sponsors: Senators Prentice and Fairley; by request of Office of Financial Management.

Senate Committee on Government Operations & Elections
House Committee on Ways & Means

Background: Under the Administrative Procedures Act an agency planning on adopting administrative rules is required, at least 20 days before a rule-making hearing at which the agency receives public comment, to publish notice of the hearing in the State Register. Publication constitutes the proposal of a rule. Upon filing notice of the proposed rule with the Code Reviser, the adopting agency must have copies of the notice on file and available for public inspection. No later than three days after its publication in the State Register, the agency must cause either a copy of the notice of proposed rule adoption or a summary of the information contained on the notice to be mailed to each person, city, and county that has made a request to the agency for a mailed copy of such notices.

Currently, there are two causes for which an agency may adopt an emergency rule if it finds good cause:

- immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; or
- state or federal law, or federal rule, or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

The agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis.

An agency's finding and a concise statement of the reasons for its finding must be incorporated in the order for adoption of the emergency rule or amendment filed with the Office of the Code Reviser. An emergency rule takes effect upon filing with the Code Reviser and may not remain in effect for longer than 120 days after filing.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary: A third cause for which an agency may adopt an emergency rule if it finds good cause is added. In order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency, the agency may dispense with the requirements and adopt, amend, or repeal the rule on an emergency basis.

Votes on Final Passage:

Senate	36	11
House	57	37

Effective: May 19, 2009